United Nations A/54/265

General Assembly

Distr.: General
19 August 1999

Original: English

Fifty-fourth session
Item 113 of the provisional agenda*
Promotion and protection of the rights of children

Status of the Convention on the Rights of the Child

Report of the Secretary-General

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* A/54/150

99-24278 (E) 130999

Introduction

1. The General Assembly, by its resolution 44/25 of 20 November 1989, adopted the Convention on the Rights of the Child. The Convention was opened for signature in New York on 26 January 1990 and entered into force on 2 September 1990, the thirtieth day after the deposit with the Secretary-General of the twentieth instrument of ratification or accession.

2. On 9 December 1998, the General Assembly adopted resolution 53/128 entitled "The rights of the child", which dealt with the issues of the implementation of the Convention on the Rights of the Child; children with disabilities; the prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography; the protection of children affected by armed conflict; refugee and internally displaced children; the elimination of the exploitation of child labour and the plight of children living and/or working on the streets. It requested the Secretary-General to submit to the General Assembly at its fifty-fourth session a report containing information on the status of the Convention on the Rights of the Child and the problems addressed in resolution 53/128. The present report is submitted to the Assembly pursuant to that request and contains information on the activities of the Office of the United Nations High Commissioner for Human Rights and information submitted by the United Nations Children's Fund (UNICEF) and the International Labour Organization (ILO).

Status of the Convention on the Rights of the Child

3. As at 1 August 1999, the Convention had been ratified or acceded to by 191 States. In addition, one State had signed the Convention. (For the list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession, see A/52/348, annex.)

Implementation of the Convention on the Rights of the Child

4. The Commission on Human Rights, at its fifty-fifth session, adopted resolution 1999/80 of 28 April 1999, in which it welcomed the role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation as well as the decision of the Committee to organize, with the Office of the United Nations High Commissioner for Human Rights and UNICEF, a two-day workshop during its twenty-second session entitled "The Convention on the Rights of the Child: A Decade of Achievements and Challenges"; welcomed the special dialogue on the rights of the child held during the fifty-fifth session of the Commission, which focused on the marginalization and exclusion of children; called upon States parties to accept the amendment to paragraph 2 of article 43 of the Convention; called upon States parties to ensure systematic training for professional groups working with and for children and to intensify efforts to ensure the registration of all children immediately after birth; and decided to request the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee, while noting the temporary support given by the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention.

5. The Committee on the Rights of the Child held its nineteenth, twentieth and twenty-first sessions at the United Nations Office at Geneva from 21 September to 9 October 1998, 10 to 30 January 1999 and 17 May to 4 June 1999, respectively (for the reports of the Committee on those sessions, see CRC/C/80, CRC/C/84 and CRC/C/87).

6. Protecting the rights of the child has become a major theme on the agenda of the Office of the United Nations High Commissioner for Human Rights. The High Commissioner considers such wide-ranging and important matters as the Convention on the Rights of the Child, issues relating to children in armed conflict, exploitation of child labour, sale and trafficking of children, child prostitution and child pornography and violence and discrimination against the girl child. In addressing child rights issues, the Office has established a long-standing cooperation with UNICEF as well as other United Nations agencies and bodies.

7. In November 1996, the High Commissioner for Human Rights launched a Plan of Action to strengthen the implementation of the Convention on the Rights of the Child. The Plan became operational in July 1997. As at July 1999, six staff members were working under the Plan of Action. In addition to providing substantive support to the Committee on the Rights of the Child, the Plan assists States in meeting their reporting obligations and undertaking activities to follow up the recommendation of the Committee.

8. 1999 marks the tenth anniversary of the adoption of the Convention by the General Assembly. To commemorate the event, the High Commissioner has decided to promote and facilitate the integration of the child rights dimension into some of the major human rights events of the year. During the fifty-fifth session of the Commission on Human Rights, the High Commissioner participated, on 14 April 1999, in the special dialogue on the rights of the child — risks of marginalization and exclusion. Also, during the session, the Office of the High Commissioner organized a two-day meeting (20–21 April 1999) of the International Coordinating Committee on National Institutions for the Promotion and Protection of Human Rights, during which the Committee decided that national institutions should be encouraged to exchange best practices amongst themselves concerning the rights of the child, and recommended that a workshop on the rights of the child be organized in connection with the fourth annual meeting of the Asia-Pacific Forum to be held in Manila in September 1999. In May 1999, the High Commissioner initiated a discussion in the Executive Committee on Economic and Social Affairs about the impact of macroeconomic policies on the rights of the child. On 6 July 1999, in Geneva, on the occasion of the 1999 session of the Economic and Social Council, the High Commissioner participated in a high-level segment discussion on the rights of the child.

9. In addition, the Office of the High Commissioner and the Committee on the Rights of the Child have agreed to organize a two-day workshop during the twenty-second session of the Committee on the Rights of the Child in September/October 1999 to assess the impact of the Convention after 10 years, at the national and international levels, and to design recommendations to strengthen its implementation in the future.

10. On 20 November 1999, the commemorative day of the adoption of the Convention, the High Commissioner for Human Rights and the Executive Director of UNICEF will receive a delegation composed of children from several countries from all regions of the world. During their one-week stay in Switzerland, the children will have engaged in several socio-cultural activities undertaken within a programme organized by International Movement ATD Fourth World.

11. During 1999, the Office of the High Commissioner has been active in integrating human rights in the United Nations Development Assistance Framework process. The six major human rights treaties, including the Convention on the Rights of the Child, are referred to in the United Nations Development Assistance Framework guidelines. Finally, the High Commissioner has given specific attention to the rights of the child during her country visits, especially to the Balkan territories, the Russian Federation and Sierra Leone.

12. UNICEF has continued its efforts to mainstream human rights in all aspects of its work, with a major focus over the last year on promoting an understanding of development from a human rights perspective and on better defining a rights-based approach to programming. This focus was strongly reflected in the medium-term plan of the organization, where children's rights gained a central role. Guidelines on rights-based programming have been issued and staff training is under way and is constantly being refined in this new area. Country programmes are giving greater emphasis to the principle of universality, which makes reaching the unreached and vulnerable groups imperative. A more comprehensive approach has been adopted for conducting country assessments and analyses of the situation of children and women. Programmes increasingly emphasize strengthening of family capacities, gender equality, child participation and children in need of special protection. This, in turn, is leading to greater coordination and cohesion between programme areas within overall country programmes of cooperation, and to a stronger focus on capacity-building.

13. UNICEF has also pressed for a strong human rights basis to the country-specific work in the context of the United Nations Development Assistance Framework and for the development of relevant human rights indicators in the context of common country assessments and for the End-Decade Review of the World Summit for Children. UNICEF has also widely disseminated a conceptual framework on UNICEF's human rights approach, a discussion paper on indicators for global monitoring of child rights, a paper on human rights for children and women, a series of animated child rights cartoons, and will release throughout 1999 a series of working papers compiling the relevant international standards in relation to children in armed conflict, girls, child labour and sexual exploitation.

14. The focus on human rights standards is further reflected in the technical assistance provided to Governments and in the strengthening of the institutional and legal environment; in the drafting of new constitutions; the reform of civil and penal laws and the establishment or rehabilitation of juvenile courts.

Children with disabilities

15. The working group on the rights of children with disabilities, established as an outcome of the Committee on the Rights of the Child's day of general discussion on children with disabilities (1997), held its first and second meetings on 23 and 24 January and 29 and 30 May 1999, respectively. A member of the Committee attended both meetings.

16. Building on the 1996 UNICEF Executive Board policy on "Children in Need of Special Protection Measures", which included childhood disabilities in the definition of circumstances putting children at special disadvantage, UNICEF has included a module on disability in the revised Multiple Indicator Cluster Surveys, which will be used extensively for the end-decade assessment of progress towards the goals of the World Summit for Children. The prevention and early detection of childhood disability are important components of UNICEF's programme activity. Significant progress has been made since 1990 in addressing Vitamin A and iodine deficiency, which are leading causes of visual disability and mental retardation among children. This result reflects a threefold increase in the availability of iodized salt since 1990 and the routine availability of Vitamin A capsules, administered during child-health days in most developing countries. Other measures which have had an impact on reducing disabilities among children include an acceleration in polio vaccinations and significant progress towards the elimination of guinea worm.

17. An important aspect of UNICEF's rights-based programming approach is its emphasis on policy dialogue with Governments on reducing discrimination through deliberate efforts to create greater social inclusion for all vulnerable groups of children, including the prevention of discrimination that children with disabilities frequently face. For example, at the country level, UNICEF supports the provision of community-based care services for children with disabilities, greater public awareness, initiatives to mainstream children with mild disabilities in schools, and parent and caregiver education. In heavily land-mined regions, UNICEF is supporting landmine awareness programmes to help children and their families protect themselves from injuries and lifelong disabilities.

Prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography

18. The Commission on Human Rights, in its resolution 1999/80, welcomed the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Mrs. Ofelia Calceta Santos (E/CN.4/1998/71), which contained a general overview of the latest developments at the national and international levels on the themes under her mandate, and focused on the issues of sale and trafficking of children; also decided to invite the Chairperson of the working group on the draft optional protocol on the sale of children, child prostitution and child pornography to conduct broad informal consultations and, if possible, to produce a report by the end of 1999; and requested the working group to meet early in 2000 with the aim of finalizing its work before the tenth anniversary of the entry into force of the Convention.

19. The Office of the United Nations High Commissioner for Human Rights, has, since late 1998, been actively involved in the issue of trafficking in persons with a special focus on trafficking in women and children. The High Commissioner has made public her decision to give high priority to the issue of trafficking. Concrete steps, including the allocation of additional human and financial resources, have already been taken to implement that decision. The Office's action in the area of trafficking currently takes place on two fronts. Firstly, the Office continues to enhance the quality of its support to the relevant mechanisms dealing with trafficking and related issues. Secondly, the Office has developed a specific anti-trafficking programme, the core of which is legal and policy reform. The Office is also currently engaged in providing substantive input into the development of regional and international legal mechanisms, specifically the draft South Asian Association for Regional Cooperation Treaty on Trafficking in Women and Children and the two Protocols (on trafficking and illegal migration, respectively) which are being developed within the Framework of the Convention Against Transnational Organized Crime. The Office is also working with United Nations agencies and individual Governments in developing and implementing concrete anti-trafficking initiatives. As far as possible, these initiatives will maintain a regional or subregional perspective. In the European region, for example, the Office is working with the Council of Europe on a joint programme aimed at building national capacities to deal with the human rights dimensions of trafficking in four countries of Central and Eastern Europe (including

Bosnia and Herzegovina). The fundamental objective of the Office's Programme on Trafficking is to ensure the integration of a human rights perspective into all international, regional and national anti-trafficking initiatives.

20. In accordance with the request of the General Assembly that States implement measures in line with those outlined in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children (A/51/385, annex), UNICEF continues to support country-level activities leading to the development of national plans of action. UNICEF is collaborating with a number of countries to address commercial sexual exploitation with specific emphasis on trafficking of children and women, and the problem of sex tourism. UNICEF has actively supported Governments in their introduction of legislation addressing sexual abuse and exploitation of children in accordance with the Convention on the Rights of the Child. UNICEF also supports an initiative aimed at creating a database of legislation related to commercial sexual exploitation, and model legislation which can be used for advocacy purposes. UNICEF continues to collaborate closely with the Special Rapporteur on the sale of children, child prostitution and child pornography.

Protection of children affected by armed conflict

21. The Commission on Human Rights welcomed the report of the Special Representative of the Secretary-General on the question of the impact of armed conflict on children (A/53/482, annex; E/CN.4/1999/72); decided to invite the Chairperson of the working group on the draft optional protocol on involvement of children in armed conflict to conduct broad informal consultations and, if possible, to produce a report by the end of 1999; and requested the working group to meet early in 2000 with the aim of finalizing its work before the tenth anniversary of the entry into force of the Convention.

22. The High Commissioner for Human Rights considers the issue of child soldiers to be one that requires priority action. Most, if not all, of the conflicts which ravage the world today involve children as combatants and victims in violation of the basic laws of human rights and humanity. That is unacceptable. The Office of the United Nations High Commissioner for Human Rights has been cooperating closely with the Office of the Special Representative of the Secretary-General for Children and Armed Conflict. The High Commissioner has firmly encouraged States to seek an agreement to adopt an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict that would adequately increase protection of all children.

23. UNICEF recognizes that children are increasingly the first to suffer in a growing number of conflicts, most often within States, between political, ethnic or religious factions, and that the proportion of civilian conflict victims has leaped in recent decades from 5 per cent to over 90 per cent. At least half of them are children. In the last decade, around 2 million children have died as a result of war, and around 6 million have been left physically disabled. Children are also the first to feel the effects of war — poverty, malnutrition and trauma — that result from the deliberate targeting of civilian populations. As a result, in the space of just four years, the scope of UNICEF's humanitarian activities has almost quadrupled from 15 countries affected by conflict to some 55. UNICEF is operational before, during and after armed conflicts. Thus, UNICEF often sees the same children that have been nurtured, immunized and educated being systematically targeted and brutalized, many of them recruited as fighters, or pressed into service as porters and sexual slaves. Others end up maimed and/or psychologically traumatized. UNICEF believes that insisting on the rights of children is one of the best ways of reasserting core humanitarian values. In its work, UNICEF closely cooperates with allied agencies and partners, including the Office of the United Nations High Commissioner for Refugees, the World Food Programme, the Office of the United Nations High Commissioner for Human Rights, the Office for the Coordination of Humanitarian Affairs and the Special Representative of the Secretary-General for Children and Armed Conflict, as well as the International Committee of the Red Cross and numerous other non-governmental organizations.

24. The medium-term plan for 1998–2001 adopted by UNICEF's Executive Board in September 1998 includes in the key priorities identified for the organization, the reduction of the impact of armed conflict on children and the prevention of family separation, and calls for actions designed to provide special protection to children; minimize the trauma of war on children; and to help restore a degree of normalcy in their lives during or following conflicts, as well as to adopt and implement relevant policies and legal standards aiming at the protection of children's rights and the prevention of gender and sexual violence.

25. UNICEF has actively publicized its view that it is unacceptable that a clear ban on children's recruitment has not yet been imposed on the direct and indirect participation in hostilities of children below 18 years of age, regardless

of whether they have been forced to join armed forces, or whether they appear to have done so voluntarily; this applies equally to governmental and non-governmental forces. To that end, UNICEF supports the adoption of an Optional Protocol to the Convention on the Rights of the Child that would raise to 18 years of age the minimum age for recruitment into armed forces and participation in hostilities. The position adopted by the United Nations to establish 18 as a minimum age for participation in United Nations peacekeeping operations reaffirms the support of the United Nations as a whole for the Optional Protocol and should stand as a clear recommendation for police and military forces worldwide.

26. In addition, in the case of children that have already been recruited, all parties in conflicts must immediately demobilize them and ensure their psychological recovery and social reintegration. In addition, UNICEF recommends that there must be specialized child-rights training and codes of conduct for all military, civilian and peacekeeping personnel, so that they will understand their legal responsibilities to all children, including the need to shield them from egregious violations of their rights.

27. UNICEF promotes and supports physical and psychosocial recovery and social reintegration as the pillar of all humanitarian assistance policy and programmes and to that end, is committed to the rapid re-establishment of primary education in emergency situations, partly as an aim in itself and partly because relevant quality education helps to restore normality and enables children to cope better with stress. For children affected by armed conflict, education promotes healing and social reintegration, creating a sense of normality and purpose in their young lives and fostering tolerance and peaceful conflict resolution.

28. UNICEF considers unacceptable the impunity of war crimes, especially against children. The recruitment of children as members of armed forces, their rape and slaughter and the targeting of their schools and hospitals are recognized by the International Criminal Court statute as heinous atrocities. Therefore, UNICEF strongly welcomes the establishment of the International Criminal Court, which will help bring to justice those who commit serious crimes against children.

29. Guided by these principles, UNICEF outlined for Security Council members a *Peace and Security Agenda for Children*, which included the following elements: an end to the use of children as soldiers; protection of humanitarian assistance and humanitarian personnel; support to humanitarian mine action; protection of children from the effects of sanctions; ensuring that peace-building specifically includes children; challenging the impunity of war crimes, especially against children; and the promotion of early warning and preventive action for children.

30. In relation to internally displaced children, both the Office of the United Nations High Commissioner for Refugees and UNICEF have sought to further improve protection and assistance strategies. In 1998, a study on field practice in internal displacement was carried out under the auspices of the inter-agency standing committee working group. The study displays practical examples and good practice in the field of internal displacement based on a number of country studies and represents an effort to share between country offices initiatives that target the internally displaced, including women and children specifically.

Elimination of the exploitation of child labour

31. On 17 June 1999, the International Labour Conference unanimously adopted a new Convention and accompanying Recommendation concerning the worst forms of child labour. The new Worst Forms of Child Labour Convention, 1999 (No. 182) applies to all persons under the age of 18, which corresponds to the definition of the term "child" in the Convention on the Rights of the Child. It calls for immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. Convention No. 182 does not revise or replace, but rather complements International Labour Organization (ILO) Convention No. 138, which remains the bedrock of national and international action for the effective abolition of child labour as a whole. Their accompanying Recommendations (Nos. 190 and 146) provide practical and valuable guidelines for action on various fronts. The number of countries which have ratified ILO Convention No. 138 on Minimum Age has increased to 76; the number of ratifications of ILO Convention No. 29 on Forced Labour has increased to 150 (as at the end of June 1999).

32. It is worth noting that, although the title refers to "child labour", the scope of ILO Convention No. 182 is not limited to economic exploitation. The new ILO Convention covers, among other things: all forms of slavery or practices similar to slavery, such as the sale and trafficking of children and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; the use of a child for prostitution, the production of pornography or for pornographic performances; and the use of a child in the production and trafficking of drugs. The unanimous adoption of this ILO Convention demonstrates a global consensus that

immediate action is needed to put an end to these situations of children, irrespective of the level of development. While some of these aspects have been dealt with under the 1930 ILO Convention on Forced Labour (No. 29), the new Convention is significant in that it identifies priority areas of action and focuses on the worst forms of child labour in one convention.

33. The accompanying Recommendation (No. 190) provides guidelines for national policies and action against worst forms of child labour. It calls for programmes of action which aim at: identifying and denouncing the worst forms of child labour; prevention, removal, rehabilitation and social integration; giving special attention to younger children, the girl child, hidden work situations, children with special vulnerabilities or needs; identifying, reaching out to and working with communities where children are at special risk; informing, sensitizing and mobilizing society. The Recommendation enumerates the factors to be taken into account in determining the types of hazardous work, for example, work which exposes children to physical, psychological or sexual abuse; work underground, or at dangerous heights; work with dangerous machinery; and work in an unhealthy environment. The compilation of detailed information and statistical data on child labour is also recommended, as well as the designation of certain worst forms of child labour as criminal offences. The Recommendation further suggests a wide variety of measures aimed at the prohibition and elimination of the worst forms of child labour, which will be a source of inspiration not just for the Governments, but for all concerned with the prohibition and elimination of the worst forms of child labour.

34. The new Convention also calls for international cooperation and assistance in the efforts to eliminate such practices and establishes a framework for global action. It is hoped that the new ILO Convention will swiftly be ratified and effectively implemented throughout the world and thus contribute greatly to the advancement of the rights of the child in various aspects.

35. ILO has launched a worldwide campaign for ratification of the new Worst Forms of Child Labour Convention, 1999 (No. 182) and hopes to attain a global ratification rapidly. As recognized by the General Assembly and in the new ILO Convention on the Worst Forms of Child Labour, education must play a key role in the global strategy against child labour. With financial support provided by the Governments of Norway and Finland, UNICEF has embarked on a global programme of action in 25 countries focused on the use of educational interventions, both as a preventative and as a protective measure in the campaign against child labour. Under this global programme, UNICEF is working with its partners to increase access and retention, and to provide second-chance opportunities for basic education for the groups most at risk, especially girls. In that regard, UNICEF is continually strengthening its partnerships with ILO and the World Bank, for example, in the area of data collection and analysis, in order to avoid duplication of effort and to build on complementarities.